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PTO/SB/64 (07-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

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JUL 22 2005

OFFICE OF PETITIONS

First named inventor: Eric Christian Hince

Application No.: 09/493,579

Art Unit: 1744

Filed: 1/28/2000

Examiner: David A. Redding

Title: Solid-Chemical Compositions for Anaerobic Bioremediation

00000002 09493579

JUL 22 2005

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 250 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in
the form of After-Final Amendment (identify type of reply):

☒ has been filed previously on 2/27/2002
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/21/2005 MAHED1 00000020 09493579

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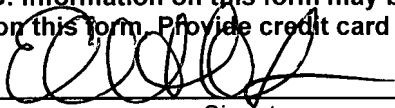
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

7/19/05

Date

Eric C. Hince

Typed or printed name

Registration Number, if applicable

P.O. Box 293

Address

(845) 651-4141

Telephone Number

Florida, NY 10921

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

7/19/05

Date



Signature

Eric C. Hince

Typed or printed name of person signing certificate

State of New York)
County of Orange)SS



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JUL 22 2005

Tami L. Kretschmer, being duly sworn, deposes and says:

1. I am the Office Manager for Geovation Technologies, Inc. (Geovation). I assist Eric O. Hince (the applicant), president of Geovation and the named inventor in Geovation's applications for patents, with preparation and submission of patent applications and communications with the United States Patent and Trademark Office (USPTO).

OFFICE OF PETITIONS

2. On 27 February 2002, Mr. Hince prepared an After-Final Amendment in response to an Office Action mailed 28 November 2001 with respect to Patent Application Number 09/493,579. I transmitted this amendment with the appropriate Transmittal Form (PTO/SB/21) to Examiner David Redding at fax number 703-872-9713. A transmittal receipt generated by our fax machine confirmed transmittal of all seven pages (see attached copy of Fax History Report generated on 27 February 2002 at 1:58 p.m.)

3. During a review of our records on 13 July 2005, I noticed that Application No. 09/493,579 is still pending. I contacted the USPTO to inquire as to the status of this application, and was informed that the USPTO had no record of receiving the Amendment submitted on 27 February 2002. The applicant was not aware that the Amendment was not received, as Geovation's Fax History Report indicated it had been successfully transmitted.

4. According to the USPTO, a Notice of Abandonment was issued in July 2002. This notice was mailed to Ezra Sutton, Plaza 9 900 Route 9, Woodbridge, NJ. Although Mr. Sutton had been the Attorney of Record for this patent application, he had been fired by Geovation around the time of the February 2002 submission of the After-Final Amendment. We were unaware until my 13 July 2005 contact with the USPTO that it had no record of our submission and had issued the Notice of Abandonment, as Mr. Sutton never contacted us regarding such Notice and Geovation has never received any copy of it.

Tami L. Kretschmer

Tami L. Kretschmer

Sworn to before me, this 19th day of July, 2005

James E. Dever
Notary Public

JAMES E. DEVER
NOTARY PUBLIC, State of New York
No. 01DE4528492
Qualified in Orange/Sullivan Co.
Commission Expires July 31, 2006